

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

TERRI PETERSON,

Plaintiff,

v.

No. 18-1164-STA-egb

**WEST TN EXPEDITING,
INC.,**

Defendant.

ORDER DENYING MOTION TO DISMISS

Defendant West Tennessee Expediting, Inc., has filed a motion to dismiss the complaint filed in this Court under the state court doctrine of prior suit pending.¹ (ECF No. 9.) Both this complaint and the state court complaint are based on the same set of facts. Plaintiff has responded to the motion to dismiss and states that she has voluntarily dismissed the state court lawsuit.² (ECF No. 10.) Accordingly, there is no need to decide whether the state court doctrine would bar the present lawsuit, *see Laney Brentwood Homes, LLC v. Town of Collierville*, 144 F. App'x 506, 511 (6th Cir. 2005) (citation omitted) ("The Tennessee doctrine of 'prior suit pending,' however, is a state law doctrine which plainly does not apply to federal courts."), and Defendant's motion to dismiss is **DENIED** as moot.

¹ "In Tennessee, the prior suit pending doctrine generally allows 'a party [to] have an action barred on procedural grounds if there was a prior suit pending against him in the same jurisdiction for the same cause of action.'" *Cent. Bank v. Jerrols*, 2015 WL 1486368 at *5 (W.D. Tenn. Mar. 31, 2015) (quoting *West v. Vought Aircraft Indus., Inc.*, 256 S.W.3d 618, 622 (Tenn. 2008)).

² Plaintiff's Order of Dismissal was entered on September 18, 2018, in the Chancery Court for Lauderdale County, Tennessee. (ECF No. 10-3.)

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
CHIEF UNITED STATES DISTRICT JUDGE

Date: October 9, 2018